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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 926 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

NISAR MOHAMMED FAIZ MOHAMMED KAZI

Versus

STATE

Appearance:

MS KU MISHRA for the petitioner

MR SK PATEL, APP for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of Decision : 27/10/99

ORAL JUDGMENT

1. Rule. Mr.Patel, learned APP waives service of the rule on behalf of the respondents.

2. Having heard the learned counsel for the parties, I do not find any ground to interfere in the matter. The grant of parole leave is at the discretion of the competent authority and if the discretion is exercised

properly and there is no perversity therein, no interference is called for. The petitioner applied for parole leave on the ground that his mother has expired. The authority has considered it to be a cogent ground and parole leave has been granted to him for 7 days. Now the petitioner claimed for extension of parole leave on the ground that "Chalisa Ceremony" has to be performed. On the death of the relative of the prisoner, the competent authority has to decide for what period parole leave has to be granted to him and in this case 7 days parole leave has been granted accordingly. He has no right that, 40 days parole leave has to be granted to him. What is appropriate period in a given case for which parole leave has to be granted to the prisoner, it is the discretion of the competent authority and where as said earlier there is no perversity in the order, no interference of this court is called for.

3. As a result of the aforesaid discussion, this Special Criminal Application fails and the same is dismissed. Rule discharged. No order as to costs.

(S.K.Keshote,J.)

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